
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

RODNEY S. RATHEAL,

Plaintiff,

vs.

LINDSAY McCARTHY, SEC; TOM HARVEY, THE SALT LAKE TRIBUNE,

Defendants.

**ORDER DENYING MOTION TO DENY
DEFENDANTS MOTION TO DISMISS
(RE: HARVEY, SALT LAKE TRIBUNE)
(ECF NO. 28)**

Case No. 2:17-cv-00997

Judge Dale A. Kimball
Magistrate Judge Evelyn J. Furse

Pro se Plaintiff Rodney S. Ratheal move the Court¹ to deny Defendants The Salt Lake Tribune and Tom Harvey's Motion to Dismiss. (ECF No. 28.) Defendants filed their Motion to Dismiss on September 28, 2017 (ECF No. 16), Mr. Ratheal filed an opposing memorandum on October 9, 2017 (ECF No. 21), and Defendants filed their reply memorandum on October 23, 2017 (ECF No. 25).

District of Utah Local Rule 7-1(b)(2)(A), which applies to motions to dismiss, allows for one opposition memoranda and one reply memoranda in response to a motion. DUCivR 7-1(b)(2)(A). Additional memoranda will not be considered without leave of court. See id. Mr. Ratheal already filed an opposition to Defendants' Motion to Dismiss, which is the only responsive memorandum he is allowed without leave of

¹ District Judge Dale A. Kimball referred this case to the undersigned magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B).

court.² Mr. Ratheal's Motion to Deny is an improper attempt to supplement the briefing on Defendants' Motion to Dismiss, which is now closed. The Court, therefore DENIES Mr. Ratheal's Motion to Deny, and will not consider the arguments contained therein.

See Garrett v. Selby Connor Maddux & Janer, 425 F.3d 836, 840 (10th Cir. 2005) (a pro se plaintiff must "follow the same rules of procedure that govern other litigants") (quoting Nielson v. Price, 17 F.3d 1276, 1277 (10th Cir. 1994)). The Court will issue a Report and Recommendation on Defendants' Motion to Dismiss based on the memoranda permitted under District of Utah Local Rule 7-1.

DATED this 3rd day of November, 2017.

BY THE COURT:



EVELYN J. PURSE
United States Magistrate Judge

² The Court notes that Mr. Ratheal incorrectly styled his opposing memorandum as a "motion to deny," but it was correctly docketed as an opposition. (ECF No. 21).